



1 and filed. The party filing the case or removing it to this Court is responsible for serving  
2 all parties with the consent forms. Each party must file a completed consent form and  
3 certificate of service with the Clerk of the Court not later than 20 days after entry of  
4 appearance, and must serve a copy by mail or hand delivery upon all parties of record in  
5 the case.

6 Any party is free to withhold consent to magistrate judge jurisdiction  
7 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
8 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
9 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
10 party to a federal civil case has, subject to some exceptions, a constitutional right to  
11 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
12 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
13 (9<sup>th</sup> Cir. 1984) (*en banc*)).

14 A review of the Court's file indicates that Plaintiff's Complaint was filed  
15 on January 17, 2008. Plaintiff shall have until February 7, 2008 within which to make  
16 his selection to either consent to magistrate judge jurisdiction or elect to proceed before a  
17 United States district judge. It is unknown if a copy of the appropriate consent form  
18 electronically transmitted to Plaintiff's counsel on January 18, 2008 by the Clerk's office  
19 was served with the Complaint per the written instructions from the Clerk.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff shall file on or before **February 7, 2008**  
22 his written election to either consent to magistrate judge jurisdiction or elect to proceed  
23 before a United States district judge.

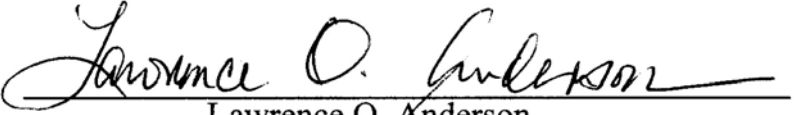
24 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon the  
25 Defendant the appropriate consent form provided at the time of the filing of his  
26 Complaint at the time of service of his Complaint upon the Defendant.

27 \_\_\_\_\_  
28 form.

1                   **IT IS FURTHER ORDERED** that Defendant shall either consent to  
2 magistrate judge jurisdiction or elect to proceed before a district judge within twenty (20)  
3 days of Defendant's formal appearance herein.

4                   **IT IS FURTHER ORDERED** that counsel and any party, if  
5 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
6 District Court for the District of Arizona, as amended on December 1, 2007. The  
7 District's Rules of Practice may be found on the District Court's internet web page at  
8 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
9 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
10 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
11 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

12                   DATED this 22<sup>nd</sup> day of January, 2008.

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15                   Lawrence O. Anderson  
16                   United States Magistrate Judge  
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